

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re: Vitamin Antitrust Litigation

This Document Relates to: ALL ACTIONS

Misc. No. 99-197 (TFH)

MDL No. 1285

FILED

MAY 07 2002

**STIPULATION [AND PROPOSED ORDER]
CONCERNING DISCOVERY FROM EISAI CO., LTD.**

**NANCY MAVER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Defendant Eisai Co., Ltd. ("Eisai") shall, on or before May 10, 2002, confirm in writing that its production in response to Certain Defendants' January 14, 2002 Joint Requests for Production of Documents to Defendant Eisai and Certain Defendants' February 11, 2002 Joint Requests for Production of Documents to Eisai Co., Ltd. is complete. Defendants shall have twenty-eight (28) days following receipt of Eisai's written notice to complete their review of Eisai's production. If, after that review, Defendants believe Eisai's production is incomplete and Defendants and Eisai are unable to resolve any disputes that may arise and Defendants decide to move to compel further document production, Eisai agrees not to oppose any such motion on the ground that it was filed after the Court's April 8, 2002 deadline for the filing of motions to compel.

2. The Rule 30(b)(6) deposition of Eisai, in response to the notices served on February 11, 2002, by Plaintiffs and by Defendants, shall be taken on May 20-21, 2002, in Washington, DC.

3. In the event that Defendants request follow-up discovery to the Rule 30(b)(6) deposition of Eisai, and/or Defendants request discovery pursuant to the January 14, 2002 Notice of Deposition to certain employees of Eisai or the February 11, 2002 Notice of

Deposition to certain Does regarding Eisai's Statement of Admissions concerning damages, Eisai shall not object on the ground that the discovery is untimely, provided Defendants comply with the terms of paragraph 4 of this Stipulation. Eisai shall otherwise retain its Rule 26(c) right to file a Motion for Protective Order.

4. Reasonably promptly after May 21, 2002, Defendants shall apprise Eisai of any requested follow-up depositions and Eisai shall make available any requested follow-up deponents so that (provided Defendants have given notice in sufficient time) the depositions of Eisai can be completed by June 18, 2002.

5. Eisai shall identify, by May 2, 2002, those individuals listed on Defendants' January 14, 2002 Notice of Deposition who no longer are within Eisai's control for purposes of this litigation.

6. Nothing in this Stipulation shall be construed to affect the close of fact discovery with respect to discovery of other parties to this litigation.

By signing and joining this stipulation, no defendant waives any defense previously asserted by that defendant and all such defenses are hereby expressly preserved.

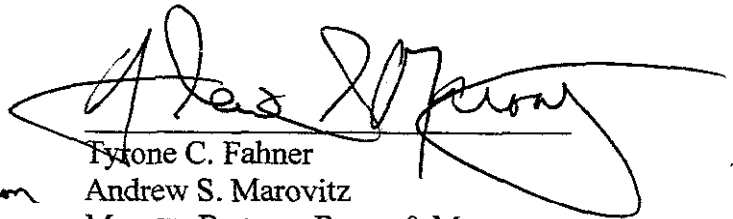
Dated: April 30, 2002

Respectfully submitted,



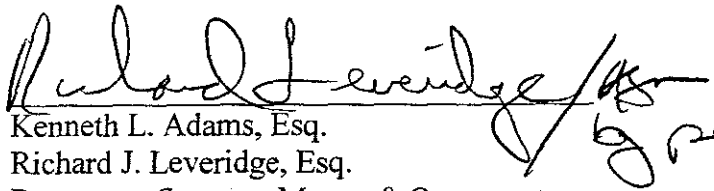
D. Stuart Meiklejohn
Kate Usdrowski
SULLIVAN & CROMWELL
125 Broad Street
New York, NY 10004
(212) 558-4000

Counsel for Eisai Co., Ltd.



Tyrone C. Fahner
Andrew S. Marovitz
MAYER, BROWN, ROWE & MAW
190 South La Salle Street
Chicago, IL 60603
(312) 782-0600

*Counsel for BASF Corporation and, for
purposes of this Stipulation, Liaison
Counsel for Defendants*

 *by permission*

Kenneth L. Adams, Esq.

Richard J. Leveridge, Esq.

DICKSTEIN SHAPIRO MORIN & OSHINSKY


2101 L Street, N.W.

Washington, DC 20037-1526

(202) 785-9700

Liaison Counsel for Plaintiffs

SO ORDERED:


THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE
DATE: May 6, 2022

CERTIFICATE OF SERVICE

I, Andrew S. Marovitz, an attorney, hereby certify that I caused a true and correct copy of the foregoing **STIPULATION [AND PROPOSED ORDER] CONCERNING DISCOVERY FROM EISAI CO., LTD.**, to be served upon all attorneys of record on April 30, 2002, by electronic service pursuant to the Court's May 17, 2000 Order Regarding Electronic Service.

Andrew S. Marovitz /CF
Andrew S. Marovitz

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DISTRICT OF COLUMBIA
2002 MAY -1 PM 2:56
NANCY M.
MAYER-WHITTINGTON
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